

Application No. 10/720923
Amendment dated February 6, 2006
Reply to Office Action of December 28, 2005

Docket No.: 013436.0287C1US
(Bushnell 26-27)

REMARKS

In an Office Action mailed 28 December 2005, the Examiner rejected claims 1 - 14 under 35 USC 102(e) as being anticipated by Mayne et al. (US Patent Application Publication No. US 2004/0025047), and the Examiner noted with respect to independent claim 1:

Regarding claim 1, Mayne discloses an interoperability system (fig. 1 and its description) connected to an enterprise communication network (LAN 10) and a public communication network (PSTN 43 or Internet 14 (fig 8) or WAN [0101] or phone network 44 [0119]) for providing call pick up service to a users' wireless station set (Bluetooth phone; see [0110]) which is located in the coverage area of a one of said enterprise communication network and said public communication network ([0101]-[0113]), and which is a member of a call pick up group comprising at least one additional station set (desk phone or mobile phone or headset; see [0110]-[0113]), comprising:

presence server means (WIS 1 and its description) for storing user data representative a service status of a user wireless station set ([0072]-[0075], [0121] and [0054]);

query means (PBX 40 and its description, also see [0110]) for exchanging said user data with at least one of said enterprise communication network and said public communication network (fig. 7 and its description); and

call pickup means (PBX adapter; [0110]), responsive to said user data and the presence of a call directed to said user wireless station set, for transmitting an alert signal to at least one of said additional station sets ([0101]-[0113]).

Applicants have reviewed the cited Mayne reference and the Examiner's stated grounds for rejection, has amended claims 1, 4, 8, and 11, and presents the following arguments in support of patentability of Applicants' claimed invention, as amended above.

Applicants' interoperability system functions to extend the wireless Private Branch Exchange services provided in the enterprise communication network to the cellular communication network based on the presence and supervision data provided by the interoperability system. The provision of ubiquitous service to the user, regardless of their location, provides a significant advantage over existing Private Branch Exchange and cellular communication network services. In addition, the user is equipped with only one wireless station set, which can operate as a cordless Private Branch Exchange extension in the office or as a standard wireless station set outside of the office. By provisioning the Private Branch Exchange with this wireless station set mobility, this allows the user to roam within the wireless coverage area of one of the two networks or to roam between the two networks. This capability also provides telephone coverage

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personnel with information about the status of a user's wireless station set before they attempt to forward a call or simply call the user's wireless station set.

For example, with Presence Based Call Pick Up, the presence of a waiting call for one employee triggers notification to all the members of the Pick Up Group. The waiting call notification can be delivered via distinctive ringing patterns, special call waiting tones, or instant messages. With Presence Based Call Pick Up, the members of the Call Pick Up Group no longer need to be co-located or even served by the same call control or switching system. Members of the Call Pick Up Group can include remote workers and even wireless telephones.

In order to interpret Applicants' claims, it is important to understand the meaning of the term "enterprise communication network" as defined in Applicants' specification on page 1, lines 10 - 14:

Enterprise communication networks consist of proprietary voice and data networks used to serve a predetermined set of users who are typically employed by a single entity. A Private Branch Exchange is typically used to provide voice-based services to these users and associated Wire-line or Wireless Local Area Networks are used for data connectivity.

In contrast with Applicants' Presence Based Call Pick Up system, the Mayne patent discloses a system that wirelessly connects communication devices to a local building network via a number of wireless network nodes (LAN Access Devices). The wireless network nodes are connected to a wireless Internet network server that provides access to the Internet as well as other devices served by the local building network.

The Mayne patent is focused on a self-contained network (enterprise communication network) that comprises a wireless portion comprising wireless devices 3-8, the LADs 2, a wired portion comprising LAN 10, PBX 40, devices 11-13, 41-42, and a WIS 1 which interconnects the wireless and wired portions. The WIS 1 also serves to interconnect the enterprise communication network with the public communication network (Internet 14). The WIS 1 is capable of managing the communications among the wireless and wired devices that are served by the wireless portion (LADs 2) and the wired portion (LAN10), as noted in Mayne:

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[0054] The WIS 1 is a focal point for Bluetooth communication and provides a central point for managing and controlling Bluetooth mobile devices. The WIS 1, leveraging its knowledge of Bluetooth connectivity, can be used to update these mobile devices, provide status on their whereabouts, provide backups, etc.

[0059] FIG. 6 shows an example in which a connection to a PBX 40 is implemented, the WIS 1 will have the ability to associate communications devices 3, 4, 5, 6, 7, 8 such as Bluetooth phones and handsets as extensions of the PBX.

With regard to voice communication, the WIS 1 can route a call to the user's phone within the scope of coverage of the enterprise communication network that comprises a wireless portion comprising wireless devices 3-8, the LADs 2, a wired portion comprising LAN 10, PBX 40, devices 11-13, 41-42, and a WIS 1 which interconnects the wireless and wired portions:

[0110] The WIS is also adapted to handle voice communication. This can be activated either by using voice over IP and transferring the call via the Internet, or by using the PBX interface. The PBX adapter allows connection to an existing PBX so that when an incoming call can be transferred to an extension which rings the Bluetooth phone via the Bluetooth connection. The Bluetooth phone becomes a portable extension of the desk phone. If the Bluetooth phone is incorporated in a mobile phone, these phones are referred to as 3-in-1 phone, the three modes being: GSM calls outside of the office environment, cordless calls and intercom calls directly between Bluetooth phones when inside the office.

However, the Mayne patent fails to show or suggest the provision of: "query means for exchanging said user location data with at least one of said enterprise communication network and said public communication network" since there is no communication with the public communication network with respect to the location of the user's telephone set. In addition, the Mayne patent fails to show or suggest the provision of a call pickup group: "call pickup means, responsive to said user location data and the presence of a call directed to said user wireless station set, for transmitting an alert signal to said user's wireless station set and at least one of said additional station sets."

Thus, the cited Mayne patent fails to satisfy the requirements of a valid 35 USC §102(e) rejection of Applicants' claim 1 since the Mayne patent does not show or suggest structure recited in Applicants' independent claim 1.

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. Applicants believe no fee is due with this response.

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However, if a fee is due, please charge our Deposit Account No. 50-1848, under Order No. 013436.0287C1US from which the undersigned is authorized to draw.

Respectfully submitted,
PATTON BOGGS LLP

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